

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7

8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2011-119

14 **LAURA ALEXIA R. DELONZOR, AKA**
15 **LAURA ALEXIA RUCH DELONZOR, AKA**
16 **LAURA ALEXIA RUCH**
1857 N. Westwood
Porterville, CA 93257

A C C U S A T I O N

17 **Registered Nurse License No. 487601**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
24 of Consumer Affairs.

25 **License History**

26 2. On or about March 31, 1993, the Board of Registered Nursing issued Registered
27 Nurse License Number 487601 to Laura Alexia R. Delonzor, also known as Laura Alexia Ruch
28

1 Delonzor, and Laura Alexia Ruch ("Respondent"). The license was in full force and effect at all
2 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code ("Code"), unless otherwise indicated.

7 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
8 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
9 in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license.

13 6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,
14 or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
15 disciplinary action during the period within which the license may be renewed, restored, reissued
16 or reinstated.

17 STATUTORY PROVISIONS

18 7. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed
20 nurse or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, . . .

22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

24 8. Code section 2762 states, in pertinent part:

25 In addition to other acts constituting unprofessional conduct within the
26 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

27 (b) Use any controlled substance as defined in Division 10
28 (commencing with Section 11000) of the Health and Safety Code, or any
dangerous drug or dangerous device as defined in Section 4022, or alcoholic

1 beverages, to an extent or in a manner dangerous or injurious to himself or
2 herself, any other person, or the public or the extent that such
3 use impairs his or her ability to conduct with safety to the public the practice
4 authorized by his or her license.

5 (c) Be convicted of a criminal offense involving the prescription,
6 consumption, or self administration of any of the substances described in
7 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
8 record pertaining to, the substances described in subdivision (a) of this section,
9 in which event the record of the conviction is conclusive evidence thereof.

10 COST RECOVERY

11 9. Code section 125.3 provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Criminal Convictions)

17 10. Respondent is subject to disciplinary action under Code section 2761, subdivision (f),
18 in that Respondent has been convicted of crimes substantially related to the qualifications,
19 functions, and duties of a registered nurse, as follows:

20 a. On or about August 10, 2009, in the Superior Court of California, County of
21 Sacramento, in the case entitled, *People of the State of California v. Laura Alexia Delonzor*,
22 Super Ct., Sacramento Cty., 2009, Case No. 09F01699, Respondent was convicted following her
23 plea of nolo contendere to violations of Penal Code section 243, subdivision (c)(2) (Battery Upon
24 Person, to wit: Sheriff Deputy Page), a misdemeanor and Vehicle Code section 23152,
25 subdivision (a) (driving under the influence of alcohol and/or drugs with a prior), a misdemeanor.

26 The circumstances of the crime are that on or about February 28, 2009, a California
27 Highway Patrol Officer pulled Respondent over for speeding 80 miles per hour on Highway 99.
28 The officer smelled alcohol emitting from Respondent and noticed her eyes were watery and red,
and her speech was thick and slurred. Respondent failed to perform the field sobriety tests and
was subsequently arrested for driving under the influence of alcohol and/or drugs. At the jail,
Respondent's blood alcohol level was .18/.17 and was escorted into a sobering cell due to her

1 high level of intoxication. Shortly thereafter, Respondent began to bang her hands on the cell
2 window and then later used her shoes to pound on the glass. Sheriff's Deputies Page and Luke
3 decided to remove Respondent's shoes from the cell. Respondent became combative and bit
4 Deputy Page on her right calf, leaving a bite mark approximately 3 inches in diameter.

5 b. On or about September 28, 2005, in Superior Court of California, County of
6 Sacramento, in the case entitled, *People of the State of California v. Laura Alexia Ruch Delonzor*,
7 Super Ct., Sacramento Cty., 2005, Case No. 05T03903), Respondent was convicted following her
8 plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (b) (Drive
9 While Having .08% or More Blood Alcohol Content [.16%], a misdemeanor.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Criminal Convictions Involving the Consumption of Alcohol)**

12 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
13 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in
14 that Respondent has been convicted of crimes involving the consumption of alcoholic beverages,
15 as set forth in paragraph 10, subparagraph b, above.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Use an Alcoholic Beverage to the Extent or in a 18 Manner Dangerous or Injurious to Herself or Others)**

19 12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
20 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in
21 that on or about February 28, 2009, and August 15, 2005, Respondent consumed alcoholic
22 beverages to an extent or in a manner dangerous or injurious to herself or others, as set forth
23 paragraph 10, above.

24 **OTHER MATTERS**

25 13. With regard to the incident and subsequent conviction set forth in paragraph 10,
26 subparagraph a, above, Respondent was also charged in Case No. 09T01828 with a violation of
27 Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol and/or drugs
28

1 with a prior (8/15/05), a misdemeanor; however, the judgment and sentencing for that charge was
2 suspended and Respondent was placed on probation for 4 years.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 487601 issued to
7 Laura Alexia R. Delonzor, also known as Laura Alexia Ruch Delonzor, and Laura Alexia Ruch;
8 2. Ordering Laura Alexia R. Delonzor, also known as Laura Alexia Ruch Delonzor, and
9 Laura Alexia Ruch to pay the Board the reasonable costs of the investigation and enforcement of
10 this case, pursuant to Code section 125.3; and,
11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 8/16/10

for *Louise Bailey*
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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